

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

JANET KING,	)	
	)	Case No. 2:19-cv-11317
Plaintiff,	)	
	)	Hon.
v.	)	
	)	Wayne County Case No. 19-004718-NI
MICHAEL CLUBB,	)	
AIM LEASING COMPANY, and	)	
AIM INTEGRATED LOGISTICS,	)	
INC.	)	
	)	
Defendants.	)	

**DEFENDANTS' NOTICE OF REMOVAL**

TO: Clerk of the Court  
United States District Court  
Eastern District of Michigan

Defendants Michael Clubb, (“Clubb”), AIM Leasing Company (“AIM Leasing”) and AIM Integrated Logistics, Inc. (“AIM Integrated”), by counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully provide their Notice of Removal of this action from Wayne County Circuit Court (Michigan), to the United States District Court for the Eastern District of Michigan, and, in support, state as follows:

1. Plaintiff Janet King filed her Complaint in this action in the Wayne County Circuit Court on April 2, 2019, alleging damages as a

result of an alleged motor vehicle accident. Defendants were served with the Complaint on April 23, 2019. The case is docketed there as Cause No.19-004718-NI. True and accurate copies of all pleadings filed in the Wayne County Circuit Court in this matter are attached hereto as Exhibit 1.

2. Plaintiff is a citizen and resident of Wayne County, Michigan.

3. Defendant Clubb is a citizen and resident of Boone County, Kentucky.

4. Defendant AIM Leasing is an Ohio corporation with its principal place of business located in Ohio. Therefore, pursuant to 28 U.S.C. § 1332(c)(1), AIM Leasing is deemed to be a citizen of Ohio.

5. Defendant AIM Integrated is an Ohio corporation with its principal place of business located in Ohio. Therefore, pursuant to 28 U.S.C. § 1332(c)(1), AIM Leasing is deemed to be a citizen of Ohio.

6. In the Complaint, Plaintiff seeks damages “for whatever amount in excess of \$25,000.00 she is found to be entitled”, but further allegations suggest, more likely than not, Plaintiff is seeking much more than \$75,000.00. Specifically, in paragraph 11 of the Complaint, Plaintiff states that she has suffered and will continue to experience “for an

indefinite time into the future, severe and excruciating pain and suffering, humiliation and embarrassment, loss of earnings, and loss of her enjoyments of life” due to her injuries, of which “constitute a serious impairment of body function and/or serious, permanent disfigurement.”

7. Based on the allegations of pain and suffering, loss of earnings, impairment of body function and/or serious, permanent disfigurement, Defendants believe, in good faith, that Plaintiff is claiming an amount in controversy in excess of \$75,000, exclusive of interest and costs.

8. Where there is complete diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, there is subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a).

9. This matter is removable pursuant to 28 U.S.C. § 1441(b) where there is complete diversity of citizenship between the parties.

10. That pursuant to 28 U.S.C. § 1446 filed herewith and by reference made a part hereof is a true and correct copy of all process, pleadings and orders served upon Defendants in this action.

11. This Notice of Removal is being filed within thirty (30) days of Defendants' first notice of suit, and within one (1) year of commencement of the state court action.

12. Accordingly, pursuant to 28 U.S.C. § 1332(a)(1), this Court has original jurisdiction of this action because the amount in controversy is in excess of the sum of \$75,000.00, exclusive of interest and costs, and the parties are citizens of different states. Therefore, removal is appropriate under 28 U.S.C. § 1441(b).

13. Venue is proper in this district because Plaintiff filed her original state court action in Wayne County, Michigan.

14. True and accurate copies of the Notice of Removal with accompanying exhibits will be promptly filed with the Clerk of the Wayne County Circuit Court and also served upon all counsel of record in the Wayne County case.

15. By filing this Notice of Removal, Defendants do not waive any defenses available to them.

WHEREFORE, Defendants, Michael Clubb, AIM Leasing Company, and AIM Integrated Logistics, LLC, by counsel, hereby respectfully provide notice that this action is removable to this Court

from the Wayne County Circuit Court, Michigan, pursuant to 28 U.S.C. §§ 1441 and 1446, seek its removal to this Court, and for any and all other necessary and property relief in the premises. Defendants further pray that there be no further proceedings in this action in the Wayne County Circuit Court, Michigan.

Dated: May 6, 2019

Respectfully submitted,

/s/Andrew F. Marquis

Andrew F. Marquis (P82641)

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*Attorney for Defendants,  
Michael Clubb, AIM Leasing,  
and AIM Integrated Logistics, Inc*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2019 I electronically filed the NOTICE OF REMOVAL (along with a copy of the Complaint and Notice of Filing Notice of Removal), with the Clerk of the Court using the E-Filing system, and via e-mail and First Class Mail upon:

Marc J. Mendelson, Esq.  
Eric M. Simpson, Esq.  
Lewis A. Melfi, Esq.  
Mike Morse Law Firm  
24901 Northwestern Highway, Ste. 700  
Southfield, Michigan 48075

In addition, I hereby certify that I have e-filed using the Court's MiFile filing system the same Notice of Filing Notice of Removal and Notice of Removal to the Wayne County Circuit Court (3<sup>rd</sup> Circuit).

Dated: May 6, 2019

Respectfully submitted,

/s/Andrew F. Marquis

Andrew F. Marquis (P82641)

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